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09/869,072	01/17/2002	Ian Kenneth Scholey		7942

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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,072

Applicant(s)

SCHOLEY ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-25, 27-29, 31, 32, 34, 35 and 37 is/are rejected.
- 7) ☒ Claim(s) 26, 30, 33, 36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The indicated allowability of claims 12 and 14 is withdrawn in view of the newly discovered reference(s) to Duncan and Yano et al. Rejections based on the newly cited reference(s) follow.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18 and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Olmsted (U. S. Pat. No. 1,717,998, hereinafter, Olmsted'998).

Note for example in Olmsted, the module 10, turret/starwheel 19 with opened ends/pockets 20, the turret being angled (see fig. 6), a stationary guide rail 38, 39 arranged to provide sufficient contact with the container and pockets to rotate the container about the longitudinal axes as they are transported around the turret (see page 2, lines 24-39).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Shriver.

Re claim 19, Olmsted'998 is cited as applied in paragraph 3 above and thusly, Olmsted discloses all of the claimed subject matter with the exception of the plurality of rotatable

mandrels. Shriver is cited disclosing the rotatable mandrels as claimed (see 103, 104 in fig. 3). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Olmsted'998, to include a mandrel as taught by Shriver, for the purpose of positively guiding the containers around the turret. Re claim 27, Olmsted'998 discloses the parallel axes.

6. Claims 20 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Atkins et al.

Re claim 20, Olmsted'998 discloses all of the claimed subject matter as recited in paragraph 3 above with the exception of the specific angle as claimed, namely substantially at 15°. Atkins is cited disclosing in a container washing device with an angled turret, a turret that can be inclined in various angles, depending upon the container and cleaning fluid configuration (see col. 3, lines 58-66). Thusly, given the teachings of Atkins, to have the angle substantially at 15°, would have been obvious to one having ordinary skill in the art since Atkins teaches that the optimum angle for draining, is derivable based upon the containers and/or fluid, being treated and/or used. Re claim 31, Olmsted'998 discloses the parallel axes.

7. Claims 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Yano et al.

Re claim 21, Olmsted'998 is cited as applied in above in paragraph 3. Thusly, Olmsted '998 discloses all of the claimed subject matter with the exception of the plurality of modules and the supplying waste-cleaning fluid from one module to a previous module. Yano is cited discloses in a container cleaning apparatus, a plurality of modules (2, 3, 4)

where there is the supplying of waste-cleaning fluid from one module, to a previous module (see col. 3, lines 53 through col. 4, lines 1-13). Therefore to provide Olmsted '998 with a plurality (duplicate) of modules as taught by Yano, would have been obvious to one having ordinary skill in the art for the purpose of ensuring thorough treatment of the containers (see MPEP 2144.04, subsection VI "REVERSAL, DUPLICATION, OR REARRANGEMENT OF PARTS"). Re claim 34, Olmsted'998 discloses the parallel axes.

8. Claim 22 IS rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Duncan.

Re claims 22, Olmsted'998 is cited as applied above in paragraph 3, and thusly, Olmsted'998 discloses all of the claimed subject matter with the exception of the means for creating a negative pressure inside the rinse module to improve drying. Duncan is cited disclosing the arrangement of a means for creating a negative pressure inside a rinse module to improve drying. It therefore would have been obvious to one having ordinary skill in the art to modify the module of Olmsted'998, to include a means for creating a negative pressure in the rinse module as taught by Duncan, for the purpose of quickly drying the containers.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Hansen (U.S. Pat. No. 1,677,442, hereafter, Hansen'443). Claim 24 defines over Olmsted'998 only in the recitation of the second turret. Hansen discloses the second turret. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Olmsted'998, to include a second turret

as taught by Hansen'443, for the purpose of ensuring that the containers are thoroughly treated and since the same is deemed to be an obvious extension (duplication) of the teachings of Olmsted.

10. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted in view of Atkins et al.

Claim 25 defines over Olmsted'998 only in the recitation of the turret being inclined at an angle of substantially 15°. Atkins is cited disclosing the obviousness of providing a turret with an optimum inclination for draining (see col. 3, lines 58-66). It therefore would have been obvious to have the inclined turret of Olmsted'998, to be 15°, since Atkins teaches that the optimum angle is obvious derivable.

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Shriver as applied to claim 19 above, and further in view of Hansen.

Re claim 28, Hansen is cited as applied to the subject matter of paragraph 9 above.

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Shriver as applied to claim 19 above, and further in view of Atkins et al.

Re claim 29, Atkins is cited as applied to the subject matter of paragraph 10 above.

13. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Atkins et al. as applied to claim 20 above, and further in view of Hansen.

Re claim 32, Hansen is cited as applied to the subject matter of paragraph 9 above

14. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted in view of Yano et al. as applied to claim 21 above, and further in view of Hansen.

Re claim 35, Hansen is cited as applied in paragraph 9 above.

15. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Olmsted'998 in view of Duncan as applied to claim 22 above, and further in view of Hansen.

Re claim 37, Hansen is cited as applied in paragraph 9 above.

16. Claims 26, 30, 33, 26 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Holmquist, Dernenwick et al., Capannoli, Bowman, Graban and DeBack, note the turrets.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manager Ms. Sandra Sewell (703) 308-0661.

fls


FRANKIE L. STINSON
Primary Examiner
Art Unit 1746